

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

KIM D. MACK,)	
)	
Plaintiff,)	
)	
v.)	No. 05-2864 M1/V
)	
BEHAVIORAL SERVICES OF)	
TENNESSEE, INC., et al.,)	
)	
Defendants.)	

ORDER GRANTING DEFENDANT'S MOTION TO LIMIT DAMAGES

Before the Court is Defendant's Motion to Limit Damages, filed on January 9, 2007. Under Local Rule 7.2(a)(2) and Fed. R. Civ. P. 6, a response to the motion was due on or before January 24, 2007. To date, no response has been filed. Accordingly, and for good cause shown, the motion is GRANTED. Compensatory and punitive damages are therefore limited to \$50,000, as required under 42 U.S.C. § 1981a(b)(3)(A). See also 42 U.S.C. § 1981a(a)(1) (applying damages limitations to Title VII cases).¹

¹ The Court notes that the limitation applies only to "future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and . . . punitive damages," 42 U.S.C. § 1981a(b)(3)(A), but not to "backpay, interest on backpay, or any other type of relief authorized under section 706(g) of the Civil Rights Act of 1964." 42 U.S.C. § 1981a(b)(2).

So ORDERED this 1st day of March, 2007.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE